

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of Arbitration between:

TRI-K INDUSTRIES, INC.,

Petitioner,

– against –

SOPHIM,

Respondent.

Civil Action No. 07-6565 (CM) (DFE)

(Filed Electronically)

**DECLARATION OF PETER J. PIZZI IN
SUPPORT OF REQUEST FOR ENTRY OF
DEFAULT**

PETER J. PIZZI, makes this declaration under penalty of perjury and, unless otherwise stated, based upon personal knowledge:

1. I am counsel to petitioner Tri-K Industries, Inc. in the within action.
2. I submit this declaration in support of petitioner's Request for Entry of Default.
3. Respondent Sophim is a foreign corporation located at Parc de la Cassine, 04310 Peyruis, France.
4. Respondent Sophim is not an infant, in the military, or an incompetent person.
5. Pursuant to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters 20 U.S.T. 361 (the "Hague Convention"), on September 5, 2007, Respondent Sophim was served with the Summons, Notice of Petition, Petition, Affirmation, Memorandum of Law, and Rule 7.1 Statement. Service was effected through the Ministère de la Justice in France, which caused the documents in question to be personally delivered to Jacques Margnat, Director of Sophim. The foregoing is attested to in the Hague Convention Certificate filed at CM/ECF Docket Entry No. 5.
6. Respondent Sophim has failed to answer or otherwise respond following proper service. Accordingly, Tri-K respectfully requests entry of default against Respondent Sophim

pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rule 55.1 of the Local Civil Rules.

Further this declarant sayeth not.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: October 26, 2007

s/ Peter J. Pizzi

Peter J. Pizzi

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